

2016-2017

The Parliament of the  
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

*Presented and read a first time*

**Coastal Trading (Revitalising Australian  
Shipping) Amendment Bill 2017**

**No.     , 2017**

*(Infrastructure and Regional Development)*

**A Bill for an Act to amend the *Coastal Trading  
(Revitalising Australian Shipping) Act 2012*, and for  
related purposes**



---

## Contents

1	Short title.....	1
2	Commencement.....	1
3	Schedules.....	2
<b>Schedule 1—Main amendments</b>		<b>3</b>
	<i>Coastal Trading (Revitalising Australian Shipping) Act 2012</i>	3
<b>Schedule 2—Consequential amendments</b>		<b>14</b>
	<i>Occupational Health and Safety (Maritime Industry) Act 1993</i>	14
	<i>Seafarers Rehabilitation and Compensation Act 1992</i>	14



**A Bill for an Act to amend the *Coastal Trading (Revitalising Australian Shipping) Act 2012*, and for related purposes**

The Parliament of Australia enacts:

**1 Short title**

This Act is the *Coastal Trading (Revitalising Australian Shipping) Amendment Act 2017*.

**2 Commencement**

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

---

---

**Commencement information**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions</b>	<b>Commencement</b>	<b>Date/Details</b>
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	
2. Schedules 1 and 2	A single day to be fixed by Proclamation. However, if the provisions do not commence within the period of 6 months beginning on the day this Act receives the Royal Assent, they commence on the day after the end of that period.	

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

### 3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

## **Schedule 1—Main amendments**

### ***Coastal Trading (Revitalising Australian Shipping) Act 2012***

#### **1 Paragraph 3(2)(b)**

Omit “licence;”, substitute “licence.”.

#### **2 Paragraph 3(2)(c)**

Repeal the paragraph.

#### **3 Section 5**

Omit:

- This Act regulates coastal trading by providing for licences to be granted that authorise vessels to carry passengers or cargo between ports in Australia. Using a vessel to engage in coastal trading without a licence may lead to a pecuniary penalty being imposed for the contravention of a civil penalty provision.

substitute:

- This Act regulates coastal trading by providing for licences to be granted that authorise vessels to carry passengers or cargo between ports in Australia or for vessels to carry liquid fuel products from offshore facilities to ports in Australia. Using a vessel to engage in coastal trading without a licence may lead to a pecuniary penalty being imposed for the contravention of a civil penalty provision.

#### **4 Section 5**

Omit:

- Part 4 sets out the 3 kinds of licences (general licences, temporary licences and emergency licences) that may be granted and the application process for each. It also deals with

matters such as conditions of licences and the cancellation of licences.

substitute:

- Part 4 sets out the 2 kinds of licences (general licences and temporary licences) that may be granted and the application process for each. It also deals with matters such as conditions of licences and the cancellation of licences.

**5 Subsection 6(1) (paragraphs (a) and (b) of the definition of *acceptable tolerance limits*)**

Repeal the paragraphs, substitute:

- (a) in relation to cargo authorised to be carried on a vessel under a temporary licence—not more than 200% more, or 100% less, of the volume of cargo authorised to be carried under the licence; or
- (b) in relation to passengers authorised to be carried on a vessel under a temporary licence—not more than 200% more, or 100% less, of the number of passengers authorised to be carried under the licence; or

**6 Subsection 6(1) (paragraph (c) of the definition of *acceptable tolerance limits*)**

Omit “5”, substitute “30”.

**7 Subsection 6(1)**

Insert:

*docked for service*: a vessel is *docked for service* if:

- (a) the vessel is in dry dock; or
- (b) the vessel is:
  - (i) docked for maintenance, repairs, cleaning or painting; and
  - (ii) not undertaking a voyage.

**8 Subsection 6(1) (definition of *emergency licence*)**

Repeal the definition.

---



**9 Subsection 6(1) (definition of *energy security situation*)**

Repeal the definition.

**10 Subsection 6(1)**

Insert:

*IMO number* of a vessel, means the International Maritime Organization number for the vessel.

**11 Subsection 6(1) (definition of *licence*)**

Omit “, a temporary licence or an emergency licence”, substitute “or a temporary licence”.

**12 Subsection 6(1)**

Insert:

*offshore facility* has the same meaning as in the *Maritime Transport and Offshore Facilities Security Act 2003*.

**13 Subsection 6(1) (definition of *offshore industry vessel*)**

After “activities” insert “(other than coastal trading mentioned in paragraph 7(1)(d))”.

**14 Subsection 6(1) (definition of *port*)**

At the end of the definition, add:

Note: See also subsection (3).

**15 Subsection 6(1) (definition of *voyage*)**

Omit “from one port to another port in a way that would satisfy paragraph 7(1)(a), (b) or (c)”, substitute “in a way that would satisfy paragraph 7(1)(a), (b), (c) or (d)”.

**16 Subsection 6(1A)**

Repeal the subsection.

**17 At the end of section 6**

Add:

- (3) For the purposes of this Act, a port is taken to be in a State or Territory if the port is connected with a port that is in a State or Territory.

**18 At the end of subsection 7(1)**

Add:

; or (d) the vessel:

- (i) takes on board cargo that is liquid fuel product from an offshore facility; and
- (ii) carries the liquid fuel product to a port in a State or Territory where some or all of the liquid fuel product is unloaded.

**19 Paragraph 12(2)(a)**

After “Territory”, insert “or takes on board cargo that is liquid fuel product at an offshore facility in a State or Territory”.

**20 Subparagraph 27(1)(b)(ii)**

After “on board”, insert “or the offshore facilities at which cargo that is liquid fuel product was taken on board”.

**21 After subsection 28(1)**

Insert:

- (1A) A person may apply to the Minister for a temporary licence to enable a vessel to be used to engage in coastal trading over a 65 day period in an emergency situation of a kind prescribed by the regulations if the person is:
- (a) the owner, charterer, master or agent of a vessel; or
  - (b) a shipper.

**22 Paragraph 28(2)(a)**

Omit “5”, substitute “one”.

**23 After paragraph 28(2)(ea)**

Insert:

- (eb) the IMO number of the vessel (if known);

**24 Paragraph 28(2)(f)**

After “on board”, insert “or the offshore facilities at which cargo that is liquid fuel product is expected to be taken on board”.

**25 After paragraph 28(2)(g)**

Insert:

(ga) for an application under subsection (1A)—details of the emergency situation of a kind mentioned in that subsection;

**26 Section 30 (heading)**

Repeal the heading, substitute:

**30 Consultation**

**27 Section 30**

Before “Within”, insert “(1)”.

**28 Section 30**

Omit “section 28”, substitute “subsection 28(1) that relates to the carriage of passengers or cargo of a kind determined under subsection (2)”.

**29 At the end of section 30**

Add:

- (2) The Minister may, by legislative instrument, determine the following for the purposes of subsection (1):
- (a) kinds of passengers;
  - (b) kinds of cargo.

**30 Paragraph 34(3)(c)**

Omit “5”, substitute “30”.

**31 Subsection 34(4)**

Repeal the subsection, substitute:

- (4) The Minister must decide an application for a temporary licence:

- (a) if the application is made under subsection 28(1)—within 10 business days after the day the application is made; or
- (b) if the application is made under subsection 28(1A)—within 3 business days after the day the application is made.

**32 Paragraph 35(1)(a)**

Repeal the paragraph, substitute:

- (a) the licence is valid:
  - (i) for an application under subsection 28(1)—for 12 months; and
  - (ii) for an application under subsection 28(1A)—for 65 days; and

**33 Paragraph 35(2)(g)**

After “on board”, insert “or the offshore facilities at which cargo that is liquid fuel product will be taken on board”.

**34 Section 36**

Repeal the section, substitute:

**36 Application taken to be granted in certain circumstances**

If the Minister has not decided an application by the end of the period within which a decision is required under section 34, then, at the end of the last day of that period, the Minister is taken to have granted the application.

**35 Paragraph 37(2)(k)**

After “on board”, insert “or the offshore facilities at which cargo that is liquid fuel product is authorised to be taken on board”.

**36 Subdivision C of Division 2 of Part 4 (heading)**

Repeal the heading, substitute:

**Subdivision C—Variation of temporary licences**

**37 Section 43 (heading)**

Repeal the heading, substitute:

---

### **43 Application to vary temporary licence**

#### **38 Subsection 43(1)**

Repeal the subsection, substitute:

- (1) The holder of a temporary licence that was granted on application under subsection 28(1) may apply to the Minister to vary the licence.

#### **39 Paragraphs 43(2)(b) and (ba)**

Repeal the paragraphs, substitute:

- (b) specify how the applicant wishes to vary the licence; and

#### **40 Subsection 43(3)**

Repeal the subsection, substitute:

- (3) An application relating to a voyage authorised by a temporary licence may be made at any time before the voyage commences.

#### **41 Subsection 45(1)**

Omit “(other than an application relating to an energy security situation)”, substitute “that relates to the carriage of cargo or passengers of a kind determined under subsection 30(2)”.

#### **42 Paragraph 46(2)(b)**

Omit “(whether under this Subdivision or Subdivision D of this Division)”.

#### **43 Subsection 46(4)**

Repeal the subsection, substitute:

- (4) The Minister must decide an application for variation of a temporary licence within 2 business days after the day the application is made.

#### **44 Section 47A**

Repeal the section.

**45 Subdivision D of Division 2 of Part 4**

Repeal the Subdivision.

**46 Section 61**

Before “The”, insert “(1)”.

**47 After paragraph 61(a)**

Insert:

(aa) the IMO number of the vessel;

**48 Paragraph 61(e)**

After “on board”, insert “or the offshore facilities at which cargo that is liquid fuel product will be taken on board”.

**49 At the end of section 61**

Add:

(2) Subsection (1) does not apply if the holder of the temporary licence has given the information required by that subsection to the Minister when applying for the licence under section 28, or for a variation to the licence under section 43.

**50 After paragraph 62(1)(a)**

Insert:

(aa) the IMO number of the vessel;

**51 Subparagraph 62(1)(d)(iii)**

After “on board”, insert “or the offshore facilities at which cargo that is liquid fuel product was taken on board”.

**52 Paragraph 63(1)(c)**

After “on board”, insert “or the offshore facilities at which cargo that is liquid fuel product is taken on board”.

**53 Paragraph 63(1)(e)**

Omit “under Subdivision C or D of this Division”.

**54 Division 3 of Part 4**

Repeal the Division.

**55 Section 76 (heading)**

Repeal the heading, substitute:

**76 Requests for further information—general licence applications**

**56 Subsection 76(1)**

Omit “or 64”.

**57 Subsection 76(3)**

Omit “or 66, as applicable.”.

**58 Subsection 77(1)**

Omit “51”, substitute “43”.

**59 Subsection 77(4)**

Omit “54(1)”, substitute “46(4)”.

**60 Paragraph 78(a)**

Omit “41 or 73, respectively”, substitute “or 41, as applicable”.

**61 Subsection 107(3)**

Omit “51”, substitute “43”.

**62 Subsection 107(3)**

Omit “58”, substitute “49”.

**63 Subsection 107(5)**

Repeal the subsection, substitute:

- (5) The holder of a general licence who gave the Minister a notice in response to an application for a variation of a temporary licence under section 43 may apply to the Administrative Appeals Tribunal for review of a decision by the Minister to grant the application under section 47.

## **64 Section 112**

Repeal the section, substitute:

### **112 Customs treatment of certain vessels**

A vessel is not imported into Australia for the purposes of the *Customs Act 1901* only because:

- (a) it is used to carry passengers or cargo under a temporary licence; or
- (b) it is docked for service while a temporary licence is in force that enables the vessel to engage in coastal trading.

## **65 Application of amendments**

- (1) The amendments made by this Schedule apply in relation to a licence that was issued before, on or after the commencement of this item.
- (2) The amendments made by this Schedule apply in relation to an application for a licence made under section 28 of the *Coastal Trading (Revitalising Australian Shipping) Act 2012* that was pending immediately before the commencement of this item.
- (3) The amendments made by this Schedule apply in relation to an application made on or after the commencement of this item for a variation of a licence whether the licence was granted before, on or after that commencement.
- (4) An application for a variation made under section 43 or 51 of the *Coastal Trading (Revitalising Australian Shipping) Act 2012* that was pending immediately before the commencement of this item is taken, after that time, to be an application made under section 43 of that Act as amended by this Schedule.
- (5) An application under section 64 of the *Coastal Trading (Revitalising Australian Shipping) Act 2012* that was pending immediately before the commencement of this item is taken, after that time, to be an application made under subsection 28(1A) of that Act as inserted by this Schedule.



**66 Transitional provision**

Despite the repeal of Division 3 of Part 4 of the *Coastal Trading (Revitalising Australian Shipping) Act 2012* by this Schedule, that Division continues to apply to an emergency licence that was in force immediately before the commencement of this item as if that repeal had not happened.

## Schedule 2—Consequential amendments

### *Occupational Health and Safety (Maritime Industry) Act 1993*

#### **1 Section 4 (definition of emergency licence)**

Repeal the definition.

#### **2 Paragraph 6(3A)(b)**

Omit “Register; and”, substitute “Register.”.

#### **3 Paragraph 6(3A)(c)**

Repeal the paragraph.

### *Seafarers Rehabilitation and Compensation Act 1992*

#### **4 Section 3 (definition of emergency licence)**

Repeal the definition.

#### **5 Subsection 19(1AA)**

Repeal the subsection, substitute:

(1AA) This Act also applies to the employment of employees on a vessel that is used to engage in coastal trading under a general licence.

#### **6 Transitional provision**

Despite the repeal of provisions of the *Occupational Health and Safety (Maritime Industry) Act 1993* and the *Seafarers Rehabilitation and Compensation Act 1992* by this Schedule, those provisions continue to apply to an emergency licence that was in force immediately before the commencement of this item as if those repeals had not happened.